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Human Rights Committee
Seventieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Gabon

1. The Committee considered the second periodic report of Gabon (CCPR/C/128/Add.1) at its 1886th and 1887th meetings on 27 October 2000 (CCPR/C/SR.1886 and 1887), and adopted the following concluding observations at its 1894th meeting, held on 2 November 2000 (CCPR/C/SR.1894).

A. Introduction

2. The Committee found the introduction to the second periodic report of Gabon and the additional written material interesting. It is thankful that the report was submitted on time and notes the efforts made by the State party delegation to answer the Committee's questions. It regrets, however, that the report is so brief, offering some information on Gabonese legislation, but no specific details on the implementation of the Covenant. It emphasizes that the State party has not followed the guidelines for the submission of reports or taken account of the concerns the Committee expressed in its concluding observations following the consideration of the initial report (CCPR/C/31/Add.4).

B. Positive aspects

3. The Committee welcomes Gabon's shift towards a multi-party, pluralistic democracy, particularly since the amendments to the Constitution in 1994 and 1997.

4. It notes with satisfaction that the Covenant is directly applicable in Gabon.

5. The Committee is pleased that individuals may submit appeals directly to the Constitutional Court, which could additionally strengthen the remedies available to them in the event of violations of the Covenant.

6. The Committee takes note of the establishment of a ministry with responsibility for human rights and of a 14-member national human rights commission as an official body to promote and protect human rights with jurisdiction to consider applications from individuals. It welcomes the creation of an interministerial commission to identify and remove discriminatory legislative provisions, particularly with regard to women.

7. It notes that the police are no longer a part of the Armed Forces and no longer come under the authority of the military command in the Ministry of Defence.

C. Principal subjects of concern and recommendations

8. The Committee reiterates the concern expressed in its 1996 concluding observations that the non-discrimination clauses contained in articles 2, 3 and 26 of the Covenant are not fully reflected in the Constitution.

9. The Committee notes that there are customs and traditions in the State party, having a bearing on, among other things, equality between men and women, that may hamper the full implementation of some provisions of the Covenant. In particular, the Committee deplores the fact that polygamy is still practised in Gabon and refers to its general comment No. 28, which states that polygamy is incompatible with equality of treatment with regard to the right to marry. "Polygamy violates the dignity of women. It is an inadmissible discrimination against women" (CCPR/C/21/Rev.1/Add.10, para. 24). The Committee also observes that a number of legislative provisions in Gabon are not compatible with the Covenant, including article 252 of the Civil Code requiring a woman to be obedient to her husband. Lastly, the Committee notes that, in the event of her husband's death, a woman inherits only the usufruct of a quarter of the property left by her husband, and only after her children.

The State party must review its legislation and practice in order to ensure that women have the same rights as men, including rights of ownership and inheritance. It must take specific action to increase the involvement of women in political, economic and social life and ensure that there is no discrimination based on customary law in matters such as marriage, divorce and inheritance. Polygamy must be abolished and article 252 of the Civil Code repealed. It is the duty of the State party to do everything necessary to ensure that the Covenant is respected.

10. The Committee notes the lack of information concerning article 4, paragraph 2, of the Covenant; it is concerned about the lack of safeguards and effective remedies available to individuals during a state of emergency.

It invites the State party to clarify the rights of the Covenant affected by the various types of state of emergency. Gabon should establish effective remedies in legislation that are applicable during a state of emergency.

11. The Committee notes that the State Security Court is still in existence even if it is not functioning.

It invites Gabon to abolish it.

12. The Committee notes the State party's declared policy of not applying the death penalty, and that no one has been executed since 1981.

The Committee invites the State party to take the required steps to accede to the Second Optional Protocol to the Covenant on the abolition of the death penalty.

13. The Committee notes that the safeguards provided for in article 9 of the Covenant are not fully respected either in law or in practice. It is particularly concerned about the length of time people can spend in police custody and pre-trial detention. It points out that article 9, paragraph 3, of the Covenant stipulates that "It shall not be the general rule that persons awaiting trial shall be detained in custody".

The State party should take action to ensure that detention in police custody never lasts longer than 48 hours and that detainees have access to lawyers from the moment of their detention. The State party must ensure full de facto compliance with the provisions of article 9, paragraph 3, of the Covenant.

14. The Committee notes the delegation's statement that, in prison, detainees are segregated, accused persons being kept separate from convicted persons and juveniles from adults. It is, however, concerned to learn that such segregation is still not practised in some rural prisons. Although, since the consideration of the previous report, Gabon has made efforts to restructure its prisons and has built two new ones, the Committee is still concerned about the dilapidated state of the old prisons, the overcrowding and the lack of hygiene.

The State party must bring prison conditions into line with article 10 of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners, making those rules available to the police, the Armed Forces, prison staff and anyone else responsible for conducting interrogations, as well as to persons deprived of their liberty.

15. The Committee reiterates its concern about the practice of putting people in prison for civil debts, which is in breach of article 11 of the Covenant.

The State party must abolish imprisonment for debt.

16. As regards the rights of non-Gabonese citizens and refugees living in Gabon, the Committee notes that foreign workers are still required to have exit visas, in contravention of article 12 of the Covenant.

The State party must do away with this requirement.

17. The Committee is concerned to note that the State party denies the existence of minorities in its territory. The Committee is concerned to note that the steps taken to guarantee the rights of people belonging to minorities, as set forth in article 27 of the Covenant, are inadequate, particularly with regard to the Baka people.

The State party must take positive, effective steps to guarantee the rights of people belonging to all minorities.

18. The Committee is concerned about the exploitation of children, including foreign children. It notes that the Libreville Conference in February 2000 showed this to be a veritable scourge.

The State party must take all necessary steps to ensure that children enjoy special protection, in accordance with its obligations under article 24 of the Covenant.

19. The Committee notes with regret that the powers vested in the National Council of Communication to monitor programmes and impose penalties on organs of the press are an obstacle to the exercise of freedom of the press. It deplores the harassment of journalists.

The Committee invites the State party to bring its legislation into line with article 19 by doing away with censorship and penalties against organs of the press and ensuring that journalists may safely exercise their functions.

D. Dissemination of information about the Covenant

20. The Committee has scheduled the submission of the third periodic report for 31 October 2003. This report should be prepared in accordance with the Committee's revised guidelines, provide gender disaggregated data and up-to-date statistics on the status of women and give particular prominence to the recommendations made in these concluding observations. The Committee requests that these concluding observations and the next periodic report should be widely circulated to the general public, including civil society and non-governmental organizations active in Gabon.

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